

**6312. Adulteration and misbranding of fernet branca and ferro china Bisleri. U. S. \* \* \***  
**v. Raffaele Cascone. Plea of guilty. Fine, \$200.** (F. & D. No. 6146. I. S. Nos. 9251-1,  
 9252-1.)

On June 15, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Raffaele Cascone, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 20, 1916, and February 25, 1916, from the State of New York into the State of New Jersey, of quantities of articles labeled in part, "Fernet Branca" and "Ferro China Bisleri," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

|  | Fernet<br>Branca. | Ferro China<br>Bisleri. |
|--|-------------------|-------------------------|
| Methyl alcohol (per cent by volume)..... | 41.98             | 30.34                   |
| Ethyl alcohol (per cent by volume).....  | 5.80              | 2.10                    |

Adulteration of the article in each shipment was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, wood alcohol, which rendered the article injurious to health.

Misbranding of the fernet branca was alleged for the reason that the statements concerning the article and the ingredients and substances contained therein, appearing on the label of the bottle, together with the device of Italian words appearing therein and the coloring and appearance of the label, represented to purchasers that the article was a product of foreign origin, to wit, a liqueur produced in Italy, and commonly called "Fernet Branca"; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was a product of foreign origin, to wit, a liqueur produced in Italy and commonly called "Fernet Branca," whereas, in truth and in fact, it was not a product of foreign origin, and was not produced in Italy, nor was the article fernet branca. Misbranding of the article was alleged for the further reason that by means of the statements concerning the article and the ingredients and substances contained therein, appearing on the label of the bottle, and by means of the device of Italian words appearing thereon, and by means of the coloring and appearance of the label, the article purported to be a foreign product, to wit, a liqueur produced in Italy and commonly called "Fernet Branca," whereas, in truth and in fact, it was not a foreign product, and was not produced in Italy, and was not fernet branca.

Misbranding of the ferro china Bisleri was alleged in substance for the reason that the statements concerning the article, and the ingredients and substances contained therein, appearing on the label, together with the representations, designs, and devices appearing on the label, and the coloring and appearance of the label and of the article, represented to purchasers that the article was genuine ferro china Bisleri, a liqueur manufactured by Felice Bisleri at New York, from essential ingredients prepared by Felice Bisleri at Milan, Italy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was genuine ferro china Bisleri, an article manufactured by Felice Bisleri in New York, from essential ingredients prepared by him at Milan, Italy, whereas, in fact and in truth, it was not, but was an imitation thereof, and was not manufactured by Felice Bisleri in New York, or elsewhere, and was not manufactured from essential ingredients prepared by Felice Bisleri at Milan, or elsewhere.

On June 25, 1917, the defendant entered a plea of guilty to the information, and on October 13, 1917, the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*